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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 August 1996, at 10 a.m.

Chairman: Mr. EIDE

CONTENTS

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.96-13649 (E)

The meeting was called to order at 10.05 a.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 8) (continued) (E/CN.4/Sub.2/1996/10, 11, 12 and Corr.1, 13, 14, 15, 31, 32 and 33; E/CN.4/Sub.2/1996/NGO/9 and 10; E/CN.4/Sub.2/1995/10, 11 and 13; Commission on Human Rights decision 1996/104)

1. Mr. SHIOKAWA (International Association of Democratic Lawyers) said he would speak about the working methods and activities of transnational corporations and the question of impunity of perpetrators of violations of human rights. Many Japanese multinational corporations operating in Asian countries such as Thailand, Indonesia and Malaysia were violating the human rights of workers. In Japan itself a considerable number of multinationals were ignoring Japanese labour customs by practising unjust dismissals (Continental Bank of Illinois, Kino-Meles-Griot and Reuter-Japan), discriminatory treatment (Air France) and early retirement (Alitalia).

2. Most large Japanese companies declared openly that the Japanese Constitution did not apply to the workplace. Activists seeking to defend the rights of workers were subjected to all forms of discrimination in connection with wages and to violations of fundamental human rights. By hemming in the activists, the companies sought to suppress workers' demands and to strengthen their exploitation of the work force in order to increase profits. The Government endorsed them by stating that administrative guidance alone was sufficient to settle such problems. Several court proceedings instituted to seek redress had recently come to an end after many years with judgements being pronounced in favour of the complainants. Those judgements should play a positive role in raising the status of human rights in the work place. It should be noted, however, that the companies in question were not only failing to abide by the judgements but were submitting appeals in an attempt to prolong court proceedings.

3. Mr. WLASIC (Latin American Federation of Associations of Families of Disappeared Detainees - FEDEFAM) said that to analyse the agenda items under consideration it was necessary to situate them in the context of economic globalization and structural adjustment policies, since the decisions and practices adopted in that context were directly responsible for problems like extreme poverty, unequal distribution of income and impunity for the perpetrators of violations of economic, social and cultural rights.

4. With reference to Mr. Guissé's report on impunity for the perpetrators of human rights violations (E/CN.4/Sub.2/1996/15), FEDEFAM suggested that the historical and political analysis it contained should be supplemented by a study of the legal basis for States' human rights obligations and existing guarantee mechanisms. In connection with paragraph 87 of the report, FEDEFAM considered that democracy and the rule of law were just as essential for the realization of economic, social and cultural rights as for the implementation of civil and political rights, but that they were unfortunately insufficient to guarantee their enjoyment. Failure to include economic, social and cultural rights in national legislation, and hence the impossibility of invoking them in the courts when they were violated, gave rise to one of the most widespread forms of impunity (para. 88). He was concerned by the reference in paragraph 135 to the responsibility of individuals in violations of economic, social and cultural rights, since at the national level, it was

generally States that were responsible for such violations. With regard to the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, the approach being considered was described more clearly in paragraph 126 than in paragraph 142 (c). FEDEFAM was also in favour of reviewing the missions of the international financial institutions, proposed in paragraph 127, and the complete rather than partial cancellation of the foreign debt of all underdeveloped or developing countries.

5. With regard to the suggestion that violations of economic, social and cultural rights should be declared international crimes, studies should be expanded to determine the cases in which that would be possible. FEDEFAM also noted the emphasis placed in the report on corruption, which was becoming widespread in many Latin American countries and usually went unpunished. It was concerned at the situation of children who, owing to the economic crisis, were forced to work.

6. The Sub-Commission should examine ways of implementing the recommendations contained in the report of the Special Rapporteur on the question of human rights and extreme poverty (E/CN.4/Sub.2/1996/13), with a view to making a more in-depth study of problems connected with extreme poverty. It noted with satisfaction the many references made by the Special Rapporteur to the work of NGOs. Referring to the interim report (E/CN.4/Sub.2/1996/14) of the Special Rapporteur on the relationship between the enjoyment of human rights and income distribution, he suggested that the third report should deal more specifically with the effects of structural adjustment programmes in underdeveloped or developing countries and their common features.

7. Mr. CHERNICHENKO commended the Special Rapporteur on the impunity of perpetrators of human rights violations for his excellent report. Although he approved the Rapporteur's suggestion made in paragraph 142 that violations of economic, social and cultural rights should be declared international crimes, he pointed out that the expression "international crime" was generally used to designate the most serious crimes committed by States, rather than by individuals. In cases where individual responsibility in the violation of economic, social and cultural rights was established, it would be more appropriate to speak of "crime considered as such under international law". Even if officials were involved, there was a difference between acts committed by the State and acts committed by individuals acting on behalf of the State. Paragraph 132 stated that "Until quite recently, only States were subjects of international law but individuals and groups of individuals can now take legal action or be summoned before international authorities to answer for their activities." There were two schools of thought on the subject - one holding that States were the only subjects of international law and the other that international law increasingly applied to individuals. He subscribed to the former, for to be a subject of international law it was necessary to participate in intergovernmental relations, which individuals did not do. He would like to see those two points of view reflected in Mr. Guissé's final report.

8. Mrs. PARKER (International Educational Development) said that her organization placed great emphasis on the first of the rights enunciated in the International Covenant on Economic, Social and Cultural Rights - the right

to self-determination. The implications for the realization of that right of violations of economic, social and cultural rights constituted one of the most serious problems faced by the world, especially in the light of the many armed conflicts provoked by the denial of that right.

9. Occupying Powers frequently seized natural and other resources contributing to the economic viability of the regions they occupied and thereby kept their population in poverty. The inhabitants of the Molucca Islands, which were rich in natural resources, had been granted the right to self-determination in 1949 as the result of round-table agreements held in the Hague under United Nations auspices. Indonesia had invaded the Moluccas shortly thereafter and had been denying the people their basic rights ever since. Indonesia was now granting lucrative contracts to a variety of national and international corporations to exploit local resources, in direct violation of international law. Similarly, India's failure to grant the people of Kashmir the right to self-determination promised to them by the Security Council and the United Nations Commission for India and Pakistan had had dire consequences for all rights of the Kashmiri people owing to the military occupation. She yielded the floor to another representative of International Educational Development.

10. Mr. ELORRIOGA (International Educational Development) said that indigenous people in Latin America encountered severe difficulties in realizing their economic, social and cultural rights. In many developing countries, the State's dismantling of mandatory protection systems as a result of neo-liberal economic policies had had particularly adverse effects on vulnerable social groups such as Indians, women, children, workers, the disabled and elderly, homosexuals, migrant workers and religious minorities. In addition, Governments did not have economic projects that made provision for the rights and participation of Indian peoples, and met the specific demands of Indian peoples' with institutionalized repression.

11. In Mexico, and especially in the State of Chiapas, thousands of indigenous peasants, the poorest in the country, were paying dearly for their rebellion against the deplorable living conditions in which they were kept by the Government, which spent approximately US$ 200 million per year on its military apparatus in that zone - one of the most disadvantaged in the country. Military expenditures were completely out of proportion to social expenditure. The continued military presence, which was inconsistent with the Mexican Government's declarations in favour of a peaceful and negotiated solution to the conflict in Chiapas, prevented the peasants from travelling freely, hampered the normal development of agriculture and kept civil society from having any economic or social control over its territory. The have-nots of Mexican society were still and always had been treated like minors or delinquents, whereas they were merely claiming their right to live in peace and dignity. International Educational Development called on the Sub-Commission to take action on their plight.

12. Mr. VITTORI (Pax Christi International) said that a critical review was needed of the policies that governed economic production, determined the distribution of wealth and led to exclusion. Economic liberalism, which had been condemned during the previous century as a system for man's exploitation by man, was now proving to be a cause of marginalization, exclusion and concentration of power that escaped democratic control. Paradoxically, the

more production increased, the more poverty grew, and the gap between rich and poor was on the rise throughout the planet. Unlike exploitation of the labour force, the abusive exploitation of natural resources and environmental damage had been given little attention so far. The World Bank, however, had just published a report classifying countries according to ecological criteria, in terms of wealth in the broad sense, defined not only in terms of money and investment, or income. The new classification was an interesting one, but needed to be taken even further.

13. Cultural rights were all too often considered as something adorning economic and social rights, and indigenous populations were merely tolerated, or maintained for their local colour value. When natural resources were discovered on or underneath their land and they resisted dispossession, however, they were subjected to unbridled repression by the authorities and landowners' militias. To be considered good an indigenous person had to defer to the predators and become absorbed into the dominant system. Without cultural rights, however, there could be no realization of economic and social rights. Cultural rights were the foundation of the identity of individuals, communities and peoples, and wealth must be shared and cultural values exchanged if humanity was to survive.

14. Mrs. DAES said that the recommendations in paragraphs 206-231 of Mr. Despouy's excellent report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) were very constructive; she hoped they would be implemented by United Nations treaty bodies and other competent organs. With regard to the machinery for implementation proposed in paragraph 223, the Sub-Commission should clearly indicate its preference in the resolution it would be adopting on the topic.

15. She thanked Mr. Bengoa for his superb and well-documented report on the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1996/14), whose conclusions she supported. She commended Mr. Guissé for his report on the question of the impunity of perpetrators of human rights violations (E/CN.4/Sub.2/1996/15) and said she agreed with most of his views on the embargo (paras. 70-72). She hoped that Mr. Guissé's next progress report would pay particular attention to the humanitarian aspects of the embargo and describe its consequences for the civilian population, and in particular the vulnerable groups of society. She endorsed the suggestions contained in paragraph 142 and the recommendations in paragraph 143.

16. Mr. KHOURI (Union of Arab Jurists) stressed the importance of economic, social and cultural rights and the need for international cooperation to promote them. The selfish policies of the major Powers unfortunately militated against such ideas, increasing poverty in the third world and the gap between rich and poor. Value was placed on profit rather than work, with negative consequences for human rights. The economic sanctions against certain countries such as Iraq, Libya, Sudan, Cuba and Iran had adverse effects on the civilian populations. The embargo against Iraq was amounting to genocide against the Iraqi people, who were in desperate need. The international community must not remain silent. Those responsible for the situation should be punished, and every effort made to lift the embargo and relieve the suffering of the Iraqi population.

17. Mr. BEN SCHONVELD (World Organization against Torture - OMTC) said that economic, social and cultural rights could not be separated from other rights. He described the consequences of globalism, which forced the developing countries to make structural adjustments that were indispensable for their integration. With the development of technology, globalism resulted in unemployment-generating growth and dislocation of production; it also led to the decline of the State through deregulation and the concentration of large economic groups.

18. Although globalization had created wealth, the distribution of wealth was increasingly unequal, which led to violence such as the recent demonstrations by landless peasants in Brazil or the Jordanian population. It was not for civil society or the NGOs to play the role of a social palliative in the face of State failure to reduce the global social fracture. The prerogatives of the State must be defended and democracy extended, not through the organization of elections but by the creation of machinery for real participation in the decision-making process. The collapse of communism had shown that markets were desirable, but the ultraliberal economic model had many defects. The realization of human rights was far too important to be left to the market.

19. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples - MRAP), referring to the various reports submitted under item 8, said that that of Mr. Guissé (E/CN.4/Sub.2/1996/15) clearly showed that the developed countries' wealth would be inconceivable without the fabulous transfers of wealth and labour from the third world over the centuries. The only way to correct the imbalance in the modern world was through counter-transfer. The analyses contained in the Secretary-General's report (E/CN.4/Sub.2/1996/12) provided food for thought about the causes of violations of economic, social and cultural rights and the right to development which it described honestly.

20. MRAP welcomed the importance attached in Mr. Despouy's report (E/CN.4/Sub.2/1996/13), to the critique of economic determinism in the name of a social concept of human development. The economy was nothing more than a set of social relationships. Mr. Despouy had also, commendably, used personal testimony in the preparation of his report.

21. Mr. Bengoa's report (E/CN.4/Sub.2/1996/14) went to the heart of the subject rather than simply expressing moral indignation at income disparities and viewing them as a necessity evil to be attenuated with a few humanitarian efforts based on paternalism and a welfare mentality. MRAP regretted, however, that the Special Rapporteur had not gone so far as to state in his conclusions that only through a compensatory inequality would it be possible to progress towards equal opportunity and disprove the tenets of "social Darwinism".

22. NGO efforts to make people more aware of their opportunities and to develop a feeling of responsibility among the most disadvantaged constituted the main driving force likely to induce States to take a few steps in the direction of justice. Justice, a pure and simple virtue to Aristotle, was in modern language a human right.

23. Mrs. HILL (Women's International League for Peace and Freedom) said that she was taking the floor on behalf of the NGO Committee on Development to speak of the adverse consequences of the globalization of trade and economic activity. The "triumph of the market" and deregulation had a devastating impact on a large part of the world's population and generated potential for conflict and social unrest. They produced tremendous profits not only for corporations, whose power and influence made them very difficult to control, but also for the home countries of those corporations and for local business elites. The end result was violations of human rights, the exploitation of labour, militarization, and the undermining of internal democratic processes and cultural practices.

24. The NGO Committee on Development had followed with concern the Uruguay Round of GATT, especially the adoption, in the final GATT agreement, of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) clause, which was regarded, especially in the South, as a new form of colonialization. It opened the way for corporations and industrialized countries to appropriate biological resources, indigenous knowledge and human genes in the countries of the South.

25. The Human Development Report for 1996 showed that the gulf between rich and poor had grown substantially: 89 countries were worse off than they had been 10 years before. She welcomed the Working Group on Policy Guidelines for Structural Adjustment Programmes, and believed that additional steps should be taken to ensure that transnational corporations had a coherent and legally enforceable code of conduct. Her organization would support the establishment of a working group to examine the implications of World Trade Organization policy and to monitor transnational corporations with regard to their impact on economic, social and cultural rights and the right to development. That working group would need to have access to WTO's decision-making mechanisms. The human subject must become the foundation of, and an agent in, economic processes; only in that way could equitable human development be ensured.

26. Mr. FERNANDEZ (World University Service - EUM and International Organization for the Development of Freedom of Education - OIDEL) said that the two organizations on behalf of which he was taking the floor had, in cooperation with the High Commissioner for Human Rights, the Centre for Human Rights, UNESCO, the Swiss Government, the Ford Foundation and other NGOs, established the Summer University on Human Rights and the Right to Education in Geneva. The University's second session in which 36 students representing 28 different nationalities had participated had just come to an end. In the view of the University, in order to be worthwhile the study of human rights must include politics, while continuing to accord human dignity a place above economic and social interests and forces. Although it believed that the study of economic, social and cultural rights could not be dissociated from that of the right to development it refused to merge the two. The right to development was a specific right, having economic, social, cultural and political aspects. The cultural aspect, in the strong sense of the term, was essential, and at the heart of culture lay education. Education was first and foremost a right, one that made possible the enjoyment of many other rights, and the University studied it from the dual standpoint of right-freedom and social service, to which every human being was entitled, with special emphasis on freedom of teaching and academic freedom.

27. The University in particular wished to highlight the gap between what was ideal and what was possible, between the pragmatic outlook of the human rights technician and the political outlook of the participant in international relations. The 36 students of the University's second session had attended meetings of the Sub-Commission in order to acquire real experience and an understanding of the unwritten laws of human relations in politics. At the end of their training, they would be able to use international mechanisms advisedly and find ways to improve them, and would also be able to question them and question themselves. In short, they should ultimately be able to think about what was becoming the cornerstone of politics in the 21st century, namely, international relations, considered from the human rights standpoint.

28. Mr. AZHAR (World Federation of Democratic Youth) said he was a member of the Senate of Pakistan, the leader of the Mohajir Quami Movement (MQM) and Convener of the MQM Central Co-ordination Committee. MQM was the sole representative party of the Mohajir nation, the largest minority in Pakistan, and constituted 25 per cent of the population. He briefly recounted his experience which consisted of incarceration for making a statement in the Senate condemning the oppression against the Mohajir nation that had begun on 19 June 1992, detention without trial for 22 months, torture during his imprisonment and the execution of his two nephews. The economic, social and cultural rights of the Mohajir nation were being systematically and persistently violated, and instead of seeking a peaceful and democratic dialogue with the Mohajir nation, the Government of Pakistan was insisting on a military victory. Arbitrary arrests, torture, extrajudicial executions, looting, burning, the rape of Mohajir women and large-scale search operations had become endemic in the urban centres of Sindh. He appealed to the Sub-Commission to send a follow-up mission and a fact-finding mission of the Special Rapporteur on arbitrary and extrajudicial executions to those towns.

29. Mrs. SAYEGH (General Arab Women Federation) said that, while many countries were experiencing debt crises, unemployment, scarcity of resources and poverty, the current economic paradigm placed the highest value on maximization of profits, without regard to human rights, sustainable development or equal access to resources. Poverty, which affected 20 per cent of the world's population, had been aggravated by World Bank and International Monetary Fund policies. When it came to human rights, there could be no leading countries and no led countries. It was indispensable to establish a new framework for development addressing the root causes of poverty, whereby the rights of all were recognized and respected, not only in words but in deeds.

30. Although world conferences affirmed that extreme poverty and social exclusion constituted a violation of human rights, economic warfare under the United Nations flag was becoming a regular practice. Sanctions under the guise of fostering democracy and justice added to the suffering of the poor and vulnerable, while their real aim was not achieved. In Iraq, sanctions had wiped out the economic and social achievements of years of hard work. If the purpose of sanctions was to increase suffering and poverty, the goal had been attained. It was time to put an end to that inhuman and cruel embargo. Her organization recommended that an optional protocol should be drawn up to bring to an immediate halt the practice of economic sanctions. She urged the

Commission and all its bodies to consider the special vulnerabilities of populations affected by sanctions and seek ways and means of alleviating their suffering.

31. Mr. GENEI SHIMOJI (International Progress Organisation) said that because of its strategic position, Okinawa, the main island in the Japanese Ryukyu archipelago, had suffered horribly as a result of the battle which had been fought on its soil at the end of the Second World War, and in which 240,000 people had lost their lives. Although more than 50 years had gone by since then, 20 per cent of Okinawa's soil was still occupied by United States military bases. The United States Army had made the island the hub of its military presence in the Pacific.

32. In 1995 the "Cornerstone of Peace" had been erected to commemorate the fiftieth anniversary of the end of the Pacific War and the battle of Okinawa, since the people had wished to convey the spirit of peace that characterized Okinawa's history and culture. The stone, which had been placed high up on the cliffs where so many civilians had lost their lives, bore the names of all the people who had died in that tragic battle, including Japanese, Americans and Koreans.

33. The people of Okinawa hoped that the military installations on their island which hindered the realization of their economic, social and cultural rights, would be reduced and eventually eliminated, so that Okinawa could become a catalyst for world peace. In that spirit, the Okinawa prefecture had undertaken the establishment of the Institute for Research on World Peace.

34. Mr. ALI KHAN said that agenda item 8 was so vast that each of the questions it encompassed (right to decent housing, human rights and extreme poverty, forced expulsions, distribution of income, activities of transnational corporations and impunity for the perpetrators of human rights violations) deserved to be the subject of a separate item. Economic, social and cultural rights were of crucial importance for citizens in general and minorities in particular. Most of the causes of friction between the majority and minorities were economic and social in origin. The question was therefore how to integrate minorities into the economic and social life of the country - in particular by giving them equal access to employment while preserving their cultural identity - when the economic gap between the majority and the minorities was so large. Mr. Despouy, Mr. Bengoa and Mr. Guissé had provided some interesting answers to that question in their respective reports.

35. In that connection, the Vienna Declaration emphasized the interdependence of all human rights and the need to refrain from giving priority to civil and political rights at the expense of economic, social and cultural rights. Failure to do so risked increasing the number of poor people, of whom there were already 1.5 billion and for whom all the declarations on economic, social and cultural rights remained a dead letter.

36. On the eve of the International Decade for the Eradication of Poverty, the Sub-Commission should give high priority to the question of poverty, which amounted to a denial of human rights. It was imperative to consider the possibility of prosecuting the perpetrators of human rights violations, who were at present enjoying impunity.

37. The international community should help the developing countries combat poverty, particularly by eliminating protectionism, stimulating capital flows, removing obstacles to the transfer of technology and fostering durable development.

38. Mr. PRASAD (Indian Council of Education) said that if poverty were measured according to UNDP's integrated method, which was based on the concept of capability poverty and not on traditional income poverty, the situation in most of the countries of South Asia was disturbing. Economic growth had not made it possible to meet basic needs of the ever-growing population, and Governments had made low budgetary allocations for health, education and social services. The situation was aggravated by inadequate infrastructures, bureaucratic control of the economy to the disadvantage of private entrepreneurship and the inefficiency of large-scale industrial enterprises.

39. Fortunately, the expansion of the agricultural sector had saved the population from starvation. The modernization of agriculture must be continued and an industrial and trade revolution embarked upon, in particular through the liberalization of trade control and financial measures, the privatization, even partial of State-run enterprises, the acceleration of the pace of technology transfers and the attraction of foreign investment. Such a policy, favourable to the establishment of multinational corporations, would undoubtedly be of benefit, but it must be accompanied by measures to reduce inequalities and promote the economic and social rights of the most disadvantaged. To that end, the Governments of the region would need the cooperation and understanding of international financial institutions.

40. Mr. ABDELNAK (African Commission of Health and Human Rights Promoters) said that the management and development of community resources, respect for individual rights and peaceful coexistence among populations had traditionally been achieved by mechanisms making use of local human, material and cultural resources. Those mechanisms must be strengthened if conflicts brought about by exaggerated loyalty to a cultural or religious group were to be prevented. In that spirit, international institutions should be urged to provide more support for small development projects that emphasized endogenous capacities and fostered social and economic progress.

41. Mrs. IDLEBERG (African Commission of Health and Human Rights Promoters) said that racism constituted an attack on the social and cultural rights of minority communities. In the United States, many places of worship, churches, mosques and synagogues, the foundation of the social and religious life of some minorities, had been burned down. Rather than actively seeking the perpetrators, the federal authorities and police had gone so far as to imply that the fires had been set by members of the congregations. That attitude confirmed, if need be, the statement of Mr. Glele Ahanzano, Special Rapporteur of the Commission on contemporary forms of racism, on the persistence of structural and insidious racism in United States society. Governments must therefore recognize those new forms of racism and take effective measures to put an end to them.

42. Mr. ARNOTT (War Resisters International) said that tourism seriously undermined the economic, social and cultural rights of the people in the host countries. Tourist projects provided a motive for authoritarian Governments to confiscate land, forcibly evict entire communities and coerce people into

unpaid labour on tourist projects. It threatened the cultural identity of local populations and reduced the possibilities of genuinely endogenous development. It was a major drain on the land, water, energy and other resources of a country, with impacts reaching far into the future. More seriously, young women and children were forced into prostitution for sex tourism, which was a major factor in the proliferation of HIV/AIDS.

43. Several organizations and conferences had developed guidelines for tourism that respected the cultural, social and economic make-up and the environment of the host countries. They included the World Tourism Organization, UNESCO, the World Commission on Culture and Development and the Conference on Sustainable Tourism. Unfortunately, those guidelines had remained a dead letter. The Sub-Commission should therefore express its concern about the human rights violations associated with tourism; ask the Secretary-General to prepare a report on the human rights dimensions of tourism for its forty-ninth session; request the Commission on Human Rights, at its fifty-third session, to give attention to the question by asking its country and thematic rapporteurs to include information on the human rights dimensions of tourism in their reports and decide to consider the question of the human rights dimensions of tourism at its following session under the agenda item "The new international economic order and the promotion of human rights".

44. Mr. SAFI (World Muslim Congress) said that Mr. Jalil Andrabi who, the previous year, had informed the members of the Sub-Commission of human rights violations that the occupying Power, India, was committing in Kashmir, lay dead in his grave because the international community had failed to take measures to protect him from the Indian occupying forces.

45. One year later, the fundamental rights of the population continued to be systematically flouted, in violation of a series of international instruments: looting, destruction of religious shrines, torture, rape, inhuman and degrading treatment of prisoners, enforced disappearances and extrajudicial executions, with adverse effects on its economic and social situation. The 700,000-strong Indian occupation forces were now organizing sham elections aimed at legitimizing Indian occupation and preventing the people of Jammu and Kashmir from exercising their right to self-determination.

46. Mrs. GIRMA (African Association of Education for Development - ASAFED) said that the realization of economic, social and cultural rights on the African continent could become a reality only in the context of the promotion of development. Many countries had had structural adjustment programmes imposed on them in a uniform manner, without consideration being given to the fact that each country was a specific case. Moreover, privatization in some countries was a pretext for putting all commercial activities into the hands of a single ethnic group. That had led the Sub-Commission, in resolution 1992/29, to urge the international financial institutions to take greater account of the adverse impact of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights.

47. Maintenance of peace and respect for civil rights were of fundamental importance if civil society was to promote economic, social and cultural rights. Some Governments continued to ignore the interdependence and

indivisibility of human rights, whereas a society could not function effectively unless professional associations were independent of both the Government and the opposition. Professional associations and cultural organizations - provided they were able to act freely - were the main actors that could effectively improve economic, social and cultural rights, because they represented various segments of society that were at the receiving end of the policies being implemented.

48. In countries like Ethiopia, where leaders of society were harassed, imprisoned and forced into exile, there could be no hope of promoting economic, social and cultural rights. The Confederation of Ethiopian Trade Unions had recently been banned, and the President of the Ethiopian Teachers' Association had been arrested in May 1996. Yet professional associations, by their very nature, reflected the multiethnic and multi-confessional nature of the country, because what brought them together was not their ethnic or religious origin but their profession. ASAFED therefore appealed to the Sub-Commission to look into the cases of people unjustly imprisoned for defending economic, social and cultural rights.

49. It was obvious that development was impossible in a civil war context. For that reason, in countries where conflicts were deteriorating, everything possible should be done to establish a dialogue between the parties concerned without which all previous efforts to promote development would prove to be pointless. She hoped that the Sub-Commission would bring ASAFED's concerns about the situation of certain African countries to the Commission's attention.

50. Mr. NABI FAI (International Islamic Federation of Student Organizations) said that, while the universality of economic, social and cultural rights had been recognized theoretically, their realization remained an elusive goal. The concept of international solidarity and cooperation was completely forgotten when the question of economic development arose, and countries were told to solve their own economic problems.

51. The right to development remained illusory for peoples under foreign occupation. In addition to never having been able to exercise their right to self-determination, the people of Kashmir were also being deprived of their most basic economic, social and cultural rights. Thousands of people had been killed by the Indian armed forces and the economy of Kashmir was a shambles. Deforestation had assumed vast proportions, and the psycho-physical rehabilitation of the people as well as the economic reconstruction of the region would take years. Referring to article 22 of the Universal Declaration of Human Rights and article 1, paragraph 3, of the Charter of the United Nations, he appealed to the international community not to be oblivious of the right to development of the communities trapped in such situations. A sincere effort to bring about the peaceful settlement of disputes in such areas could be the first necessary step in the protection of their human rights, including the right to development.

52. Mrs. DEGENER (Disabled Peoples' International) said that the issue of disability was closely connected with poverty. Disabled people belonged to the poorest of the poor in most countries, and the vast majority of the 500 million disabled persons in the world lived in developing countries. They were excluded from the mainstream of society and often deprived of everything

that non-disabled persons took for granted: liberty, social and political life, work, education and privacy. With the growing economic recession, disabled persons' economic, social and cultural rights were increasingly neglected and violated, and many were forced to work in "sheltered workshops" for a token salary with no work-related rights, such as unionization, and to live in institutions.

53. Although the income of disabled persons was declining, they were increasingly regarded as too costly for society. As a result, there was recourse to "euthanasia" laws in order to find a biological solution to a social and economic problem. While bioethicists were beginning to question disabled people's right to life, medical practitioners were acting by withholding medical treatment from some disabled patients.

54. Disabled Peoples' International recommended that disabled persons should be recognized as a distinct group in Mr. Bengoa's next report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, and in Mr. Guissé's report on the question of the impunity of perpetrators of human rights violations. It also welcomed the innovative approach adopted by Mr. Despouy in his report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13), and supported the recommendation that the concept of basic needs should be given a much broader meaning than that of food needs, but believed that the special needs of disabled people must also be taken into account. As long as the concept of basic needs was understood only in relation to non-disabled persons, the economic, social and cultural rights of the disabled would always be considered a luxury.

55. His organization recommended that the Sub-Commission should invite Mr. Lindqvist, Special Rapporteur of the Commission on Disability, who was preparing a study on the Standard Rules for the Equalization of Opportunities for Persons with Disabilities, to participate in its next session. Mr. Lindqvist should be asked to report on the implementation of the Standard Rules and help develop indicators for measuring forms of poverty.

56. Mrs. RUERTA de FURTER (International Federation of University Women) said that her organization appreciated Mr. Despouy's thorough and meticulous approach to the question of human rights and extreme poverty reflected in his report. Certain paragraphs of the report were particularly interesting, in particular those that revealed how far extreme poverty prevented the exercise of the most basic civil and political rights, that women and children were particularly affected by poverty (paras. 37, 42 and 44) and that equality between men and women would never be achieved unless basic human needs were met (para. 47).

57. Her organization hoped that the Special Rapporteur would be able to contribute to the standardization of ways of measuring poverty by preparing qualitative and quantitative indicators that took into account the situation of women, who were the main victims of extreme poverty.

58. Mrs. SPALDING (International Association of Educators for World Peace) said that the realization of economic, social and cultural rights required the mobilization of a myriad of actors, whether individuals or associations or professional, business, artistic, intellectual and athletic organizations.

The informative tools submitted by the Special Rapporteurs under item 8 were invaluable to activist-educators for peace. It was gratifying to note in that connection that Mr. Despouy had included the issues of health and disability in his final report on extreme poverty, and that Mr. Sacher's final report on the right to adequate housing (E/CN.4/Sub.2/1995/12) was most timely, given the recent United Nations Conference on Human Settlements (Habitat II). The statistical excellence of Mr. Bengoa's provisional report was particularly welcome. At a time of restructuring and transition within the United Nations Secretariat, the principle of a people-centred approach, mentioned in the Secretary-General's report on transnational corporations (E/CN.4/Sub.2/1996/12) was also applicable within the United Nations itself.

59. As essential as it was to hear reports of human rights violations, it was also important to involve individuals, organizations and Governments in the process of realizing all the rights laid down in the Universal Declaration and the two Covenants, in order to make the principles defended by the Sub-Commission a reality.

60. Mr. ZOLLER (International Service for Human Rights) recalled that the Sub-Commission had been one of the first bodies to show that it was not possible to promote one category of rights and ignore the other. Although the principle of the indivisibility, interdependence and equality of rights had been recognized, rights continued to be treated unequally. In that context, the studies prepared by Mr. Türk, Mr. Eide and Mr. Bengoa on the realization of economic, social and cultural rights were valuable working tools. On another matter, the Sub-Commission had been discussing the question of the international economic order for 20 or so years. It was obvious that there were connections between economic systems and violations of human rights and that income distribution, both among States and within each State, was unequal and that unbridled capitalism merely aggravated those disparities. In that connection, Mr. Guissé's proposal that the question of impunity should be linked to the cancellation of debt deserved careful consideration.

61. The question of the right to development was just as important, and it was commendable that the Commission had been able to reach a consensus on the establishment of a new working group on the right to development, the recent visit by the High Commissioner for Human Rights to the international financial institutions and the preparations for a meeting of experts on the question. That meeting was so important that it was unacceptable for it to be politicized or appropriated by certain groups. That was why, like many other NGOs, the International Service for Human Rights did not believe that the United Nations meeting of experts planned for November 1996 could be held in Tunisia. The seminar should not be used to mask the serious human rights violations being committed in that country.

62. Mr. ROMAZZOTTI (International Movement ATD Fourth World) said that Mr. Despouy's final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) represented a major event in the International Year for the Eradication of Poverty. The Special Rapporteur should be commended for actually listening to persons living in extreme poverty and for having not only analysed the relationship between human rights and extreme poverty from a new standpoint but also compared his knowledge as an eminent lawyer with the information provided by the very poor themselves. That was the first time that the very poor had been consulted on their view of human rights, and as

the Special Rapporteur himself had confirmed, their contribution had enabled him to make headway in his analysis of human rights and their indivisibility and had been a crucial factor in helping him to understand the impact of extreme poverty on human rights. Hence the very poor had heard it reaffirmed that extreme poverty undermined all human rights and were not, therefore, responsible for their plight.

63. His organization and the individuals and families living in extreme poverty were pleased to see that the Special Rapporteur's recommendations stressed the need for a partnership between the United Nations and the very poor. In that context, his organization hoped that the Sub-Commission would see to it that the human rights aspect of extreme poverty was kept at the centre of the discussions throughout the International Decade for the Eradication of Poverty and would give effect to Mr. Despouy's recommendations. Like the 20 or so other NGOs which had signed the joint NGO Fourth World Committee statement, the International Movement ATD Fourth World hoped that the Sub-Commission would ask for Mr. Despouy's report to be issued in all the official languages and distributed as widely as possible, in both international and governmental circles and among individuals and small associations working with the very poor in the field.

64. Mr. QUAYES (Observer for Bangladesh), speaking in exercise of the right of reply under agenda item 11, summarized recent events in connection with the disappearance of a Mrs. Chakma, whose case had been mentioned at the previous meeting by an NGO. The Government had formally constituted a three-member committee to look into the case and possibly identify the persons responsible. The committee would submit its report to the Ministry of Home Affairs within 30 days and had been asked to suggest legal steps in that regard so that such incidents could be prevented in the future.

65. The initiative of the Bangladesh authorities in writing to the Chairman of the Sub-Commission and providing information concerning the case reflected the value that Bangladesh attached to transparency. He would keep the Sub-Commission informed of the findings of the committee as soon as the report was made available.

The meeting rose at 1.15 p.m.